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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TYRONE WASHINGTON,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS *et*
al.,

Defendants.

Case No. C05-5815RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** prior to service for failure to state a claim. The plaintiff may not litigate issues which bear on the length of his sentence and this action must proceed in habeas, not as a civil rights action.
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for any defendants who have appeared, and to the Hon. Karen L. Strombom.

DATED this 24th day of March, 2006.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE